

Message Text

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ACTION SCS-03

INFO OCT-01 NEA-14 ISO-00 SCA-01 L-03 H-03 SY-04 CIAE-00

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R 141657Z JUN 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 2095

LIMITED OFFICIAL USE NEW DELHI 7970

E.O. 11652: N/A

TAGS: CASC, PFOR, IN

SUBJECT: HARCOS/FLETCHER

FOLNG SENT NEW DELHI FROM CALCUTTA DATED JUN 14TH.

QUOTE: CALCUTTA 1198

E.O. 11652: N/A

TAGS : CASC PFOR IN

SUBJECT : HARCOS/FLETHCER

1. LARRY LIPSCHULTZ CAME IN YESTERDAY AFTERNOON TO DISCUSS THE HARCOS/FLETCHER CASE. FOLLOWING IS BRIEF PHARAPHRASE OF KEY QUESTIONS AND MY REPLIES:

Q. DID DEPARTMENT SPOKESMEN'S COMMENT THAT USG HAD NO CONNECTION WITH THESETWO PRISONERS MEAN ONLY THAT THEY WEREN'T OUR AGENTS OR ALSO THAT WE WERE TOTALLY DISSOCIATING OURSELVES FROM THEM IN SENSE OF REFUSING TO HELP THEM?

A. I GAVE HIM COPIES OF SPOLKESMAN'S COMMENTS WHICH CLARIFIED THIS POINT AND THEN GAVE HIM LENGTHY RUNDOWNS OF CONSULATE AND EMBASSY ACTIVITIES ON BEHALF OF PRISONERS EXTENDING FROM EARLIEST DAYS OF CASE TO PRESENT EFFORT TO REGAN ACCESS.

Q. DID PUBLICITY RESULT IN STEPUP OF OUR ACTIVITY ON BEHALF OF LIMITED OFFICIAL USE

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PRISONERS?

A. NO. HERB GORDON HAD BEEN EXTREMELY ACTIVE FROM THE FIRST, AND ON MY FIRST CALL ON CHIEF MINISTER AND AT ALL TIMES SINCE, WE HAVE URGED SPEEDY TRIAL, BAIL, FAIR TREATMENT, AND (SINCE WE LOST IT) CONSULAR ACCESS.

Q. IF ABOVE IS SO, WHY HAD I THIS MONTH CALLED ON CHIEF METROPOLITAN MAGISTRATE FOR FIRST TIME?

A. BECAUSE I WAS DIRECTED TO BY HOME SECRETARY WHEN I APPROACHED HIM TO SEE RESUMED ACCESS.

Q. DID PUBLICITY CAUSE LOSS OF ACCESS? (HIS PIECE APPEARED IN BOMBAY MAY 11. CONSULAR OFFER WAS FIRST DENIED ACCESS MAY 13.)

A. WE DON'T KNOW BUT IT DOESN'T SEEM VERY LIKELY.

Q. WHY HAD MCWILLIAMS REFUSED TO DISCUSS THE CASE WITH HIM EARLIER?

A. THE INDIAN GOVERNMENT OBVIOUSLY DID NOT WANT THE CASE PUBLICIZED AND FOR US TO INITIATE PUBLICITY WOULD HAVE BEEN RESENTED BY THEM AND POSSIBLY HARMFUL TO THE PRISONERS. ONCE WE WERE CHARGED PUBLICLY WITH BEING INSUFFICIENTLY ACTIVE, WE OF COURSE, HAD TO SET THE RECORD STRAIGHT.

Q. WHY WAS IT SO DIFFICULT FOR MRS. FLETCHER TO GET TO TALK TO AMBASSADOR MOYNIHAN WHEN THE LATTER WAS IN WASHINGTON? WHY DID SHE HAVE TO GO TO HER CONGRESSMAN TO GET TO HIM?

A. THIS IS NOT A QUESTION FOR CALCUTTA AND ASKED HIM NOT TO USE THIS. I TOLD HIM THAT BOTH AMBASSADOR AND MRS. MOYNIHAN HAD PERSONALLY BEEN INTERESTED IN THE CASE FROM THE BEGINNING AND I KNOW THAT MRS. FLETCHER HAD TALKED TO THE AMBASSADOR BY TELEPHONE DURING HIS WASHINGTON VISIT EARLY THIS YEAR. WHILE HE ALWAYS HAD AN EXTREMELY TIGHT SCHEDULE DURING SUCH VISITS, I DOUBTED THAT HE WAS INACCESSIBLE AS IMPLIED.

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2. HE SAID HE HAD "INSIDE INFORMATION" THAT THE TWO WOULD BE CHARGED WITH ESPIONAGE. I NOTED THAT THE CHARGES HAD NOT AS YET BEEN FILED WITH THE COURT, AND UNTIL THEY WERE THE PROSECUTION'S CHARGES PRESUMABLY REMAINED UNDER CONSIDERATION. ANY SPECULATION ABOUT WHAT THE CHARGES WOULD BE SEEMED PREMATURE. COMMENT: THIS TENDS TO CONFIRM THAT LIPSCHULTZ HAS SEEN THE PROSECUTION'S PLEA AGAINST BAIL, A JUICY MORSEL INDEED (CALCUTTA 1161, PARAS 4 AND 10).

3. AT THE END HE SAID HE DID NOT RPT NOT WANT TO DO ANYTHING WHICH WOULD HURT THE PRISONERS. I SAID IN THAT CASE TO BE METICULOUS ABOUT AVOIDING ANY IMPLICATION THAT I HAD GIVEN HIM ANYTHING BASED ON OUR EARLIER ACCESS TO THE PRISONERS OR ON CONFIDENTIAL CONVERSATIONS WITH GOI OFFICIALS.

4. HE SEEMED CONVINCED THAT THE EMBASSY AND CONSULATE HAVE DONE WHAT THEY COULD FOR THESE MEN. INCIDENTALLY HE SAID THAT IN THE LINE IN THE POST STORY ABOUT "REASONS OF STATE"(STATE 11906 PARA 12), HE WAS QUOTING SOMEONE, NOT STATING HIS OWN VIEW. PICKERING UNQUOTE. MOYNIHAN

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